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US v. Prieto

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Sentencing, Criminal Law & Procedure

(United States First Circuit) - In an criminal prosecution arising out of a so-called mortgage rescue program organized and operated by defendant, conviction of mail fraud under 18 U.S.C. section 1341 and restitution to victims are affirmed where: 1) the indictment properly charged defendant with an alleged single scheme; 2) defendant can show neither variance nor prejudice in the indictment; and 3) the evidence was sufficient to support the conviction and sentence.

US v. Manso-Cepeda

January 20, 2016

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction of aiding and abetting a convicted felon in possession of a firearm in violation of 18 U.S.C. sections 922(g)(1) and 2, is affirmed where the district court properly denied defendant's motion for acquittal under Rule 29 of the Federal Rules of Criminal Procedure over defendant's claim that the evidence was insufficient to support his conviction in light of the advance knowledge requirement for aiders and abettors articulated in *Rosemond v. US*, ___ U.S. ___, 134 S. Ct. 1240 (2014).

Harrington v. Simmons

January 20, 2016

Bankruptcy Law

(United States First Circuit) - In chapter 7 proceedings, the bankruptcy court's denial of a discharge for the debtor is affirmed where the debtor's lack of documentation was "shocking and disturbing" and he had not satisfactorily explained the disposition of his assets.